

ORDINANCE NO. 09-11

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON EACH OF TWO SUBSTANDARD LOTS, EACH LOT WITH A FRONTAGE OF 50 FEET, MORE OR LESS, WHERE AT LEAST 75 FEET ARE REQUIRED, AND A TOTAL LOT AREA OF 6,750 SQUARE FEET, MORE OR LESS, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, AND A 5 FOOT ONE INCH INTERIOR SIDE SETBACK, WHERE 7.5 FEET IS REQUIRED, AND MAXIMUM LOT COVERAGE OF 35%, WHERE 30% MAXIMUM COVERAGE IS ALLOWED, FOR EACH PROPOSED DUPLEX, CONTRA TO HIALEAH CODE §§ 98-544, 98-546 AND 98-2056(b)(2). **PROPERTIES LOCATED AT 357-359 WEST 11 STREET AND 353-355 WEST 11 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Hialeah, Florida at its regular meeting of December 23, 2008 directed the Law Department to provide this ordinance overriding the Planning and Zoning Board's recommendation of denial at its meeting of November 12, 2008.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby granted a variance permit to allow a duplex on each of two substandard lots, each lot with a frontage of 50 feet, more or less, where at least 75 feet are required, and a total lot area of 6,750 square feet, more or less, where at least 7,500 square feet are required, and a 5-foot one inch interior side setback, where 7.5 feet is required, and maximum lot coverage of 35%, where 30%

maximum coverage is allowed, for each proposed duplex, contra to Hialeah Code §§ 98-544, 98-546 and 98-2056(b)(2), which provide in pertinent part: and “The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet . . .”, “In the R-2 one- and two-family residential district, there shall be side yards, with width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.” and “A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.”, respectively. Properties located at 357-359 West 11 Street and 353-355 West 11 Street, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two Family Residential District), and legally described as follows:

LOT 25, BLOCK 52, HIALEAH FIFTH ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 93, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND TRACT K OF REVISED PLAT OF PORTION OF, PORTION OF, HIALEAH FIFTH ADDITION AND SUBS. OF BLOCK 28, HIALEAH, FIFTH ADDITION, PB 7-101, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

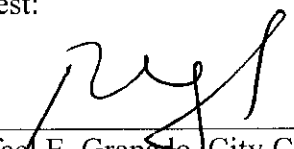
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

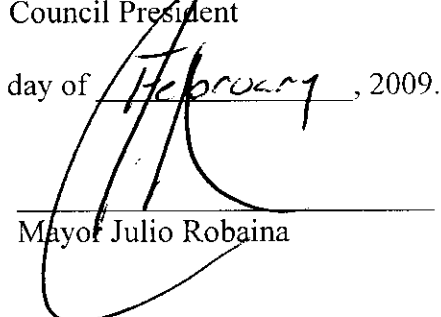
PASSED and ADOPTED this 10th day of February, 2009.  
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

Attest:

Approved on this 11 day of February, 2009.

  
Rafael E. Granada, City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".